



INDIANA COMMISSION *for* HIGHER EDUCATION

A RESOLUTION GRANTING THE OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS THE AUTHORITY TO PRESIDE OVER CERTAIN ADMINISTRATIVE HEARINGS:

The Indiana Commission for Higher Education ("Commission") adopts the following resolution pursuant to authority granted to it under Ind. Code art. 21-18.5.

The following factors have been considered by the Commission:

1. Currently, the Commission's Student Success Committee serves as the administrative law judge to preside over the Commission's administrative appeals;
2. Pursuant to Ind. Code § 4-15-10.5-12, the Office of Administrative Law Proceedings (the "OALP") was granted jurisdiction over all state of Indiana administrative proceedings concerning agency administrative actions under the Administrative Orders and Procedures Act (codified in IC 4-21.5 et seq.) or any other statute that requires or allows the OALP to take action;
3. Except as provided in this article, Ind. Code § 4-21.5 et seq. applies to actions of the Commission. Ind. Code § 21-18.5-3;
4. The Commission at times must determine the legal rights, duties, or privileges of a party and therefore may issue administrative orders subject to the jurisdiction of the OALP; and
5. Therefore, pursuant to Ind. Code § 4-21.5-3-9, the Commission desires that the OALP assume the authority to assign an administrative law judge to preside over any and all future administrative hearings that may be pursued by an aggrieved petitioner starting October 1, 2021 unless the Commission, in its sole discretion, decides to preside over a given matter.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION, THAT THE RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS

The definitions set forth in Ind. Code art. 21-12, Ind. Code art. 21-13, Ind. Code art. 21-14, and Ind. Code art. 21-16, apply to this resolution.

SECTION 2. DELEGATION OF AUTHORITY TO THE OALP

The Commission hereby delegates the OALP the authority to preside over any and all future administrative hearings that may be pursued by an aggrieved petitioner starting October 1, 2021 unless the Commission, in its sole discretion, decides to preside over a given matter.

SECTION 3. EFFECTIVE DATE

This resolution is effective immediately.

ADOPTED, THIS 14th DAY OF October 2021.